

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

MADHU JAIN,)
PLAINTIFF)
v.)
A CAPE ANN WHALE)
WATCH, INC.)
DEFENDANT)

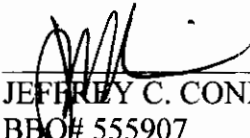
C.A. No. 05 11267 MEL

**PLAINTIFF'S SUBMISSIONS OF CASES AND STATUTORY LAW FOR THE
CONSIDERATION OF THE COURT**

Plaintiff submits the following cases and statutes for the Court's consideration in the above matter and comments relative to relevant sections:

- 1) The Kermarec v. Compagnie General Transatlantique, 358 U.S. 625, 79 S. Ct 406:
- 2) 780 CMR 1022.2 as informative of Massachusetts's law on handrails and 780 CMR 1016 as informative of Massachusetts's law on the slope of ramps
- 3) Robert Lee Mason v. Mathiasen Tanker Industries, Inc., 298 F.2d 28, 32 (4th Cir. 1962) and Robert Bernard Smith v. U.S.A. v. Whitehall Terminal Corporation, 336 F.2d 165,166 (4th Cir. 1964) as establishing that comparative negligence is not proven by evidence that the injured person was not holding onto the rail at the time of falling:
- 4) Francis Sheehan v. Roche Brothers Supermarket, Inc and several John Does, 448 Mass. 780, 863 N.E. 2d 1276 (2007), as informative as to Massachusetts's recent adoption of the mode of operation approach to slip and fall cases.

By the Plaintiff,


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June 1, 2007

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party and any party appearing pro se by (first class mail, postage prepaid) or (by hand delivery):

Dated 6/1/07 